

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JOSEPH KOURY,

Plaintiff,

- against -

XCELLENCE, INC., et al.,

Defendants.
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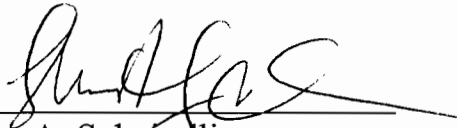
ORDER

08 Civ. 5409 (SAS)

SHIRA A. SCHEINDLIN, U.S.D.J.:

On July 2, 2008, defendant Xcellence Inc. moved to dismiss the Complaint. On August 12, 2008, plaintiff filed an Amended Complaint. Defendant's motion is therefore moot. Pursuant to this Court's Order dated July 17, 2008, defendant must respond to the Amended Complaint no later than September 10, 2008. The Clerk of the Court is directed to close this motion (document no. 4 on the docket sheet).

SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
August 15, 2008

– Appearances –

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